

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOMINIC FLORIO,	:	10 Civ. 998 (SHS)
	:	
Petitioner,	:	
	:	
-against-	:	<u>ORDER</u>
	:	
ANDREW M. CUOMO, Attorney General, State	:	
of New York,	:	
	:	
Respondent.	:	

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SIDNEY H. STEIN, U.S. District Judge.

In a Report and Recommendation dated November 16, 2010, Magistrate Judge James L. Cott recommended that the petition for a writ of *habeas corpus* be dismissed as time-barred. Objections to the Report and Recommendation were due on December 3, 2010. To date, no objections have been received from petitioner. Accordingly, after a *de novo* review of the November 16, 2010 Report and Recommendation,

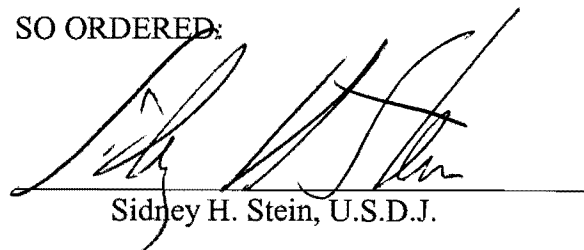
IT IS HEREBY ORDERED that:

1. Magistrate Judge Cott's "Report and Recommendation" is adopted;
2. The petition for a writ of *habeas corpus* is denied, and the petition is dismissed;
3. As petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. 28 U.S.C. § 2253; see also Richardson v. Greene, 497 F.3d 212, 217 (2d Cir. 2007); and

5. Pursuant to 28 U.S.C. § 1915(a) the Court certifies that any appeal from this Order would not be taken in good faith.

Dated: New York, New York
December 22, 2010

SO ORDERED:

A handwritten signature in black ink, appearing to be "S. H. Stein", is written over a horizontal line. The signature is stylized with large, sweeping strokes.

Sidney H. Stein, U.S.D.J.